

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

HILLARY HOWARD,

Plaintiff,

v.

EVERGREEN FINANCIAL  
SERVICES, INC.,

Defendant.

CASE NO. C16-1245-JCC

ORDER

This matter comes before the Court on Plaintiff Hillary Howard’s motion for default judgment against Defendant Evergreen Financial Services, Inc. (Dkt. No. 13).

Defendant was properly served in this matter on August 25, 2016. (Dkt. No. 5.) Defendant failed to appear or otherwise defend in this action and the Clerk entered an order of default against Defendant on November 14, 2016. (Dkt. No. 8.) Following the order of default, Plaintiff filed a notice of settlement with the Court. (Dkt. No. 11.) However, since that time, Defendant has not fulfilled its settlement obligations, necessitating this motion for default judgment. (Dkt. No. 13.)

“At the default judgment stage, the court presumes all well-pleaded factual allegations related to liability are true.” *Curtis v. Illumination Arts, Inc.*, 33 F. Supp. 3d 1200, 1211 (W.D. Wash. 2014); *see also TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987).

1 However, factual allegations relating to the amount of damages are not taken as true. *Curtis*, 33  
2 F. Supp. 3d at 1211. A “plaintiff is required to prove all damages sought in the complaint, and  
3 the court must ensure that the amount of damages is reasonable and demonstrated by the  
4 evidence.” *Id.*

5 Plaintiff’s complaint alleges that Defendant violated 15 U.S.C. § 1692g(a) by failing to  
6 send the notices required by the Fair Debt Collection Practices Act (FDCPA). Taking this  
7 allegation as true, the Court finds that it is sufficient to establish liability and award statutory  
8 damages under 15 U.S.C. § 1692k(a)(2)(A), and attorney fees under 15 U.S.C. § 1692k(a)(3), to  
9 Plaintiff.

10 For the foregoing reasons, Plaintiff’s motion for default judgment (Dkt. No. 13) is  
11 GRANTED. The Court AWARDS the following relief to Plaintiff:

- 12 (1) Judgment against Defendant and the award of \$1,000.00 in statutory damages;  
13 (2) \$3,900 in attorney fees.<sup>1</sup>

14 The Clerk is directed to CLOSE this case.

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16 DATED this 22nd day of March 2017.

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20 John C. Coughenour  
21 UNITED STATES DISTRICT JUDGE  
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1 (See Dkt. No. 13-1.)